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TN REGULATORY AUTHORITY  
February 28, 2005  
DOCKET ROOM

**VIA HAND DELIVERY**

Hon. Jean Stone, Hearing Officer  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243

Re: *BellSouth's Motion For The Establishment Of A New Performance Assurance Plan*  
Docket 04-00150

Dear Hearing Officer Stone:

As you are well aware, CompSouth and certain CLECs have objected to responding to most of BellSouth's first set of discovery in the above-mentioned docket on various grounds, including the position that BellSouth's discovery of the facts and documents (if any) regarding whether BellSouth's performance has damaged any CLEC is irrelevant – at least until the filing of direct testimony. BellSouth remains of the position that the proper scope to discovery is not limited to what a party chooses to discuss in direct testimony. That said, an initial review of the testimony of Sharon Norris, filed on behalf of CompSouth on Friday, February 25, 2005, demonstrates that at the hearing to held in this matter, general assertions will be made that BellSouth's performance is unsatisfactory and such performance is both damaging and CLEC customer impacting.

The following are excerpts from the direct testimony ("DT") filed by Ms. Norris on behalf of CompSouth:

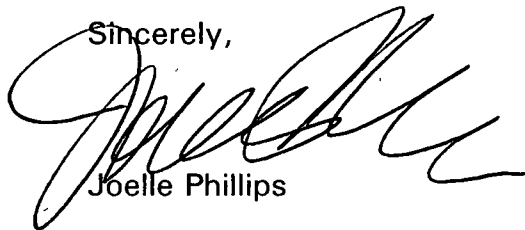
- "Particular attention should be given to the measures that BellSouth consistently misses . . ." (DT, p. 8, ll. 9-10)
- "many instances of non-compliance [performance] are chronic." (DT, p. 9, ll. 4-5)
- "The information above is only intended to provide the more egregious examples of BellSouth's performance failures . . ." (DT, p. 11, ll. 4-5)

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- "individual CLECs may have suffered even more severe discrimination that is not apparent from the CLEC aggregate results above." (DT, p. 11, ll. 13-15)
- "BellSouth continues its pattern of chronic poor performance for numerous submeasures . . ." (DT, p. 12, ll. 2-3)

These quotes clearly demonstrate that BellSouth's discovery about the damage (if any) CLECs experience related to wholesale performance issues and BellSouth's discovery seeking specific examples of alleged poor wholesale performance by BellSouth are directly related to the issues in this case and to the explicit assertions contained in CompSouth's testimony. Accordingly, the discovery is clearly relevant. Moreover, from the Authority's perspective, the discovery sought by BellSouth will only aid the Authority in making fully informed decisions regarding BellSouth's performance and the appropriate changes that should be made to the SQM and SEEM plans.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joelle Phillips', written over the printed name.

Joelle Phillips

cc: Henry Walker

### CERTIFICATE OF SERVICE

I hereby certify that on February 28, 2005, a copy of the foregoing document was served on the following, via hand delivery, facsimile, overnight, electronic mail or US Mail, addressed as follows:

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A handwritten signature in black ink, appearing to read 'H. Walker', is written over a horizontal line.